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U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

History of the Lands: History of the Nation

By J. Russell Penney

The history of the public lands is essentially the history of the nation. The Continental Congress, immediately following the Revolution, found itself faced with a terrific debt and a very restless people. It looked at the territorial lands of the original 13 states as a solution to these basic national problems. With a lot of legislative

The Bureau of Land Management, an agency of the U.S. Department of the Interior, is responsible for approximately 474 million acres of the Nation's public lands — an area more than ten times the size of New England. The Bureau was established in 1946 through consolidation of the General Land Office dating from 1812, and the Grazing Service which was created in 1934.

As a multiple-use manager of more than half of all Federally-owned lands, BLM seeks balanced management of these lands and their many resources which include the land

resources such as coal, oil and forests, range vegetation, wildlife, and soil and water. The Bureau's objective is to provide the best possible mix of management practices for the benefit of our Nation and its citizens.

arm twisting, it got the original states to give most of their lands, 237 million acres, to the government.

In 1785, the Congress passed the Land Ordinance Act, to sell these public lands as a source of revenue. To know what they were selling, the Congressmen developed the rectangular survey system, the predecessor of our cadastral survey. Two years later they introduced a system of territorial government, including a way of admitting states to the Union. This was the embryo of the public land policy and you see evidence of its effect today.

Upon admission, the public domain state waived all claim to the Federal lands within its boundaries. The administration of these land sales was given to the Board of Treasury because that was the only agency in government that could handle money.

In 1800 four local land offices were set up in the Ohio territory. Twelve years later, the General Land Office was established organizing the first system of land management. The United States had begun its great land acquisition program in 1803 with the Louisiana Purchase, consisting of 500 million acres of western wilderness, known as the Northwest Territory. Lewis and

Clark soon made exploration history in these lands.

In the next fifty years our country expanded westward to the Pacific until 1.4 billion acres had been acquired. The land acquisition period ended with the purchase of Alaska in 1867 making a total of 1.8 billion acres. This was the original "public domain" belonging to all the American people. It covered three-fourths of the continental United States and all of Alaska. The 1.8 billion acres involved a total cost of little more than \$85 million. Never in history of the world has there been such a tremendous land acquisition.

Easy Credit on Land Buys

As soon as new areas of public lands were acquired they were surveyed and plats were sent to the nearest district land office for land sales. The big push to sell land was

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intended to be a fund raising program. To make it work an easy credit system was adopted. People could acquire the land cheaply without very much down. The idea was to get land onto the tax rolls so money could come into the Treasury.

The very liberal credit system became controversial. It was the period of the land agents, promoters and speculators who were fast buck artists, given to fraud and deceit, and the settlers themselves were made up of many breeds. The early, adventurous pioneer came way ahead of the surveys. He was the "squatter" who just went west, found a piece of land and "set down," without any semblance of title. Later on, usually after getting into trouble of some kind, he would move on.

There was a transient type who would purchase, move on, purchase again, and move on. Then there was the serious settler who would settle down and make a home, a farm. In addition to the settlers, there were commercial people — the storekeeper and the saloon keeper.

The land office was the social and business center as well as the center of the controversy that resulted from such a system. It was within this period that we got the famous phrase of "doing a land office business."

In 1890, the peak of this great land transfer business, there were 123 land offices. Today, we have 12. The sale of public lands was never a significant source of revenue.

Settlement Policy

In 1820, the credit system was abolished in favor of a strong settlement policy. Sale by public auction was still permitted and lands unsold at public auction could be sold for the minimum price of \$1.25 per acre. Following was a period of land grants to people, agencies, and institutions. States received over 200 million acres. Schools were recipients of many of the land grants, most of them by special legislation. Individuals, including corporations, received great land grants for the construction of wagon roads, levies and this type of thing. In 1850, came the great settlement drive through railroad land grants. Seventy different railroads received land grants involving about 95

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million acres. Northern Pacific received the greatest grant of 90 million acres.

The start of the railroad grants coincided with the establishment of the Department of Interior in 1849. The following year, the first form of management on the public lands was established with the assignment of special agents in our western regions to prevent trespass and protect forests from illegal timber cutting.

New Conservation Movement

The railroad land grants continued to be made until the turn of the century, followed by the first great conservation movement in the United States. This consisted of the establishment of many reservations and withdrawals of land from entry.

In 1872 land was set aside for Yellowstone, the first national park. Immediately following the turn of the century the forest reserves were set aside. In 1906, the administration of these lands was transferred from Interior to the Forest Service in the Department of Agriculture.

This was a time when large amounts of land were set aside for monuments, wildlife, rights-of-way. Later, much land was withdrawn for military use.

Little consideration was given to disposition of minerals until 1847 when Congress authorized the sale of mineral lands. After the California gold rush, legislation recognized a

discoverer of minerals as having legal entitlement to the mineral and to the land upon payment of \$2.50 per acre (Placer) and \$5.00 per acre (Lode).

Mining Act of 1872

The Mining Act of 1872 gave the big boost to mining. The Act recognized the value of mineral resources on public lands and encouraged exploitation and development. The law made it easy to give carte blanche exploration and development rights. The Act also provided for passage of land title to a miner who showed his mining claim was valid and whose survey plat was approved.

In 1920, the Mineral Leasing Act was passed providing for leasing of oil and gas, sulphur, sodium and potassium rights. Locatable minerals including the so-called "hard rock minerals" such as copper, lead, zinc and gold, were still governed by the Minerals Act of 1972.

Another great change in the United States Settlement policy was the Homesteading Act of 1862, which provided for the grant of 160 acres to a person who would take land, farm it, and live on it for five years. Toward the turn of the century there was little good farm land left. The need to expand homesteads became evident, and the size was increased to 320 acres. In 1916, when most lands suitable for farming had been homesteaded, the Stock Raising Homestead Act was passed raising the acreage that could be applied for to 640 acres. This was intended to get land into private ownership that was suitable for raising of livestock, but not farming.

The Stock Raising Homestead Act was also important because it reserved all minerals to the United States, firmly establishing separation of surface and non-surface ownership. In 1910, known mineral resources had been reserved and patented. In 1914 similar reservations of oil and gas had been made. Some 62.8 million acres of homesteaded land have had the minerals reserved in part. Of that amount 39.2 million acres of Stock Raising Act homestead land had all minerals reserved. There were several other Acts developed to facilitate homesteading and land transfer.

The General Land Office sent survey teams to measure the lands by rectangular plots. This is a 1921 survey crew.



Influx of Cattle, Settlers

Early use of resource lands in the Western states is associated with grazing. The famous Texas trail herds brought hundreds of thousands of cattle into the Great Plains between 1865 and 1890. Around 1870 the large cattle ranches were established and by 1890 most of the open range was in full use by domestic livestock.

The coming of the railroads in the early 1880s brought a great influx of settlers that continued until the First World War. The open range was homesteaded rapidly and cattlemen were crowded to the point of resisting further encroachment by force. With the homesteader came fencing and the wide open spaces were gone forever.

Sheep and Cattle Wars

The cattlemen sought to control the range by acquiring the limited areas of meadowland and the better watering places. Competition was intensified with the coming of the sheepman who also acquired strategic footholds by corralling the water, and in some areas by acquiring portions of railroad land grants made up of alternate sections of land. The results were the notorious sheep and cattle wars.

The cutthroat, competitive grazing hurt forage and the land. Forage plants became weakened under extreme heavy use, and in some areas vegetation became so sparse that

erosion problems arose. Stockmen who realized the folly were powerless to stop it.

Stockmen were nearly unanimous on one point — that they wanted to obtain stability in the livestock industry. They wanted forage to be protected from trespass.

By the 1920s and 1930s, the agitation for federal control of the range had become strong, and several bills had been introduced in Congress. Some efforts were made; for instance, some grazing land was transferred to National Forests. A special act of Congress in 1928 provided for the creation of the cooperative Mizpah-Pumpkin Creek Grazing District in Montana. Rivalry sprang up between the Department of Agriculture and the Department of the Interior as to who should have jurisdiction over the public lands.

A Multiple Use Act

That question was settled June 28, 1934, by passage of the Taylor Grazing Act, providing for administrative control of the public domain by the Department of the Interior and for the creation of grazing districts.

This act still stands as a great conservation landmark. For the first time in American land history, authority was given to classify land according to its highest and best use and to reject applications for other uses. Homesteading was still allowed

for entries up to 320 acres of land that was considered most suitable for agricultural crops with irrigation. Authority to make land exchanges with states and private individuals was provided in order to consolidate federal lands into more compact blocks.

The Act also provided for transfer of lands from grazing districts to national forests, and vice versa, when more effective administration would result, and for sale of isolated tracts of land. Conservation and propagation of wildlife was provided for, with the right to hunt and fish within the grazing districts preserved. Provisions were made for erosion and flood control, water development, and general improvement of lands. The Taylor Grazing Act was a multiple-use bill in spite of its name.

General meetings were held throughout the west by Interior representatives to explain provisions of the new Taylor Grazing Act to stockmen.

Public hearings were announced in the states to consider establishment of grazing districts. Publication of such notice withdrew all public lands within the exterior boundaries of such grazing districts from all forms of entry or settlement.

Carpenter Appointed

Ferrington Carpenter was appointed by the Secretary of the Interior to administer the new law, and his organization initially was



The New Mexico District Advisory Board in 1936 made temporary allocations of range. Early grazing district boards began a tradition of public participation.

staffed with 17 men drawn from the Geological Survey, General Land Office and Forest Service. Incidentally, we've kept that tradition of small staffs intact.

Ferry Carpenter was a lawyer and stockman in the Yampa Valley of Colorado when he took on the job of organizing 80 million acres of public domain into grazing districts. Grazing districts later encompassed 142 million acres.

He held his first meeting with stockmen at Grand Junction, Colo. With characteristic candor, he told the stockmen he'd been sent to organize their business, and if they wanted it done right they'd lend a hand. With that he had laid the groundwork for the Bureau's advisory board system.

Public participation in planning and decision-making of government agencies is well established now. But it was a new thing when the grazing district boards were established 40 years ago. And the work of those boards over the years has been the model on which we have built our present system of advisory boards as the cornerstone of all public participation programs.

Timber Management

Closely following passage of the Taylor Grazing Act was passage of the O&C Revested Railroad and Reconveyed Coos Bay Wagon Road Lands Act of 1937 reconveying to the government 2.6 million acres of

land grants, including some of the world's finest virgin stands of commercial saw timber. The Act provided for management of these lands under principles of sustained yield. Their management under the BLM has been a model and today there is an allowable annual cut of 1 billion board feet.

Another resource management highlight was the Material Sales Act of 1947 allowing vegetative products on public domain to be sold for the first time. This was particularly important to sales of timber which

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heretofore were limited to dead and down. The forests could now be managed under the principles of sustained yield. Certain named minerals such as sand and gravel were removed from definition as locatable minerals under the Minerals Act of 1872 and declared to be saleable.

BLM Starts in 1946

The General Land Office and the Grazing Service were combined in 1946 to form BLM. The Bureau was charged with merging the philosophies of land disposition and resource management. Since that time there has been a virtual revolution in land management. Impetus for multiple use management of these lands came with passage of the Classification and Multiple Use Act of 1964 requiring us to take a close look at all the lands and their resources and to classify them for disposal or retention in Federal ownership and multiple use management.

Peoples' attitudes changed as they developed a strong awareness of public lands values. They have introduced a whole new dimension into resource management, centered around their use of the lands and desire to protect them. Their opposition to transfer of public land to private ownership becomes more and more evident. Equally important is their desire to be in on the decision-making processes.